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MICHAEL WINNER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Action No. C-07-80212 MISC
MMC

MICHAEL WINNER,
Movant,

v.
Inspector General of the
National Science Foundation,

SWORN REPLY TO SWORN
RESPONSE TO MOTION FOR
ORDER PURSUANT TO
CUSTOMER CHALLENGE
PROVISIONS OF THE RIGHT TO
FINANCIAL PRIVACY ACT OF
1978

Respondent.

RESPONDENT'S REPLY TO RESPONSE TO MOTION FOR ORDER PURSUANT
TO CUSTOMER CHALLENGE PROVISIONS OF THE RIGHT TO FINANCIAL PRIVACY
ACT OF 1978

Despite the Detailed Response provided by the NSF in this matter, it has still failed to demonstrate that the records sought in this case are relevant to a legitimate law enforcement inquiry. Specifically, the NSF essentially argues that any and all information pertaining to Mr. Winner's VISA account will lead the authorities to other alleged women that he may have recruited to join him in hotel rooms under false pretenses. Although it asserts that it is likely that Mr. Winner used this particular card to charge hotel rooms, even if the court agrees with this premise, the NSF has failed to state how this information will lead it to these additional women. It merely vaguely states that it will help them assess the scope of the conduct and repair damage done by Mr. Winner.

1 In addition, the request is overbroad due to the universe of information it seeks as well as
2 its unlimited time frame. Simply because the NSF claims to have no way of knowing the time
3 frame of the charged conduct, this does not mean that it is entitled to the entire life and history of
4 Mr. Winner's personal account.

5 Finally, should the court decide to order any of the requested information produced,
6 Respondent would request that it allow him to review and redact protected personal information
7 from the records before providing them to the NSF.

8
9 I declare under penalty of perjury that the foregoing is true and correct.

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12 DATED: September 20, 2007

13 /s/
14 **DOUGLAS L. RAPPAPORT,**
15 Attorney for **MICHAEL WINNER**
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Certificate of Service

I mailed a copy of this motion and the attached sworn statement to Dr. Montgomery K. Fisher, Esq., Office of Inspector General, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, on September 21, 2007


VERONICA DAVIS